

**PROJECT SPECIFIC AGREEMENT
BETWEEN THE
BLACKFEET NATION
AND THE
MONTANA DEPARTMENT OF TRANSPORTATION**

PROJECT: Maintenance Project
NAME: Blackfeet Reservation SMP Gravel Crushing
NUMBER: Maintenance Contracted Work (St Mary Section)
LETTING DATE: Summer 2010
ESTIMATED CREW: Operators: 2 Truck Drivers: 4

This Project Specific Agreement (PSA) is entered into as so specified in the Memorandum of Understanding (MOU) of October 10, 2006, between the Blackfeet Nation (Nation) and the Montana Department of Transportation (MDT).

The intent of this PSA is to cover the specifics of the MDT Maintenance Gravel Material Crushing contract, provided, further, that nothing contained in this PSA shall be inconsistent or in conflict with the MOU.

SPECIFIC ISSUES:

I. Highway Construction

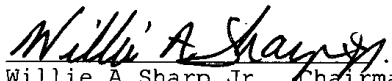
- a. The SMP Gravel Crushing project will involve crushing 6,000 tons of Sanding Material.
- b. A Pre-bid conference will be held for this project in Browning, Montana before the bid-opening for this project. The Pre-bid conference date, time and location will be specified in the contract advertisement documents. Pre-bid conference attendance is mandatory for the MDT, the Nation and any potential bidders.
- c. A preconstruction conference will be held at a date and time mutually acceptable to the contractor, the Nation and MDT prior to commencement of any work.

II. Improvements or Services

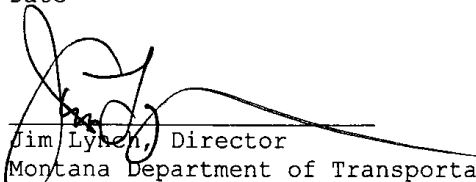
- A. The Improvements or Services (IOS) percentage amount applied to that part of the total construction contract cost of the project that is done on the Reservation shall be 1%.
- B. MDT shall collect the IOS dollar amount by withholding 1% from each progress payment and the final payment to the contractor and deposited it into the Nation MDT account for use on future projects, which are mutually beneficial to both parties and are consistent with FHWA guidelines.

III. Tribal Employment Rights Office (TERO)


- a. All prime and subcontractors will be required to have a Blackfeet Business license in accordance with Tribal Law. The license shall be obtained at the Blackfeet Tribe Revenue Department.
- b. Prior to beginning work, all Prime and subcontractors will file a compliance work plan with TERO and will abide by all TERO laws in accordance with the MOU.
- c. There will be 0 trainees on the project
- d. Pursuant to the MOU and Tribal Resolution, a Tribal TERO fee of 3% of that part of the contract amount that is performed on the Reservation will be assessed by the Nation to the contractor. MDT will collect this fee for the Nation by withholding 3% from that part of each progress, semi-final and final payment to the contractor and paying the amount to the Nation.


Willie A. Sharp Jr., Chairman
Blackfeet Tribal Business Council

4/30/10
Date


Jim Lynch, Director
Montana Department of Transportation

5/6/2010 Date


Reviewed for Legal Content
MDT Legal Counsel